



Application No. 10/701,094

Declaration of David C. Huseman under 37 CFR 1.131

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)
David C. Huseman) Art Unit: 3721
Serial No.: 10/701,094)
Filed: November 4, 2003) Examiner: Pascua
Title: PLASTIC FILM BAG ASSEMBLY)
AND PROCESS OF FILLING)

DECLARATION OF DAVID C. HUSEMAN UNDER 37 CFR 1.131

I, David C. Huseman, having a residence at 2028 Valley Ct., Brentwood, Tennessee 37027, do hereby declare as follows:

1. I am the inventor of the plastic film bag assembly and process of filling which is shown and described in both U.S. Patent Application Serial No. 10/701,094 and in U.S. Patent Application Serial No. 09/859,079 (now U.S. Patent No. 6,718,738).
2. I conceived and reduced to practice a prototype plastic film bag assembly (the "PROTOTYPE BAG ASSEMBLY") at the facilities of Packaging Innovations, Inc. located in Nashville, Tennessee, U.S.A. by a date at least as early as October 10, 2000.
3. The PROTOTYPE BAG ASSEMBLY included a plastic film bag having front and back walls defining a cavity therebetween and an opening leading to the cavity. The PROTOTYPE BAG ASSEMBLY also included a header portion extending from the back wall whereby the bag could be supported. A severance line extended across the header portion of the PROTOTYPE BAG ASSEMBLY and allowed the bag to be selectively severed from the header portion along the severance line. The severance line included both a bag support section and a tear section wherein the severance line support section has a first strength per unit length of severance line requiring a positive force to sever the bag from the header portion along the severance line support section and the tear section has a second strength per unit length of severance line requiring a positive force to sever the bag from the header portion along the severance line tear section with

the first strength per unit length being greater than the second strength per unit length whereby, when severing the bag from the header along the severance line, a greater force was required for severing along the support section than the force required for severing along the tear section.

4. When I made the severance line in the PROTOTYPE BAG ASSEMBLY, I used a series of closely spaced perforations to form the tear sections of the severance line and I used a continuous material bridge between the header portion and the bag portion to form the bag support sections of the severance line. The closely spaced perforations formed a severance line section that required less force to sever than the continuous material bridge portions defining the bag support sections of the severance line.
5. The PROTOTYPE BAG ASSEMBLY also included a plurality of holes in the front and back walls to allow air into the bag cavity, complementary zipper profiles located on the front and back walls to selectively close the bag opening, and folds in the bag to form a gusset between the front and back walls.
6. I did not immediately produce drawings of the PROTOTYPE BAG ASSEMBLY because of the relative simplicity of the design and the ease with which I could verbally describe the design of the PROTOTYPE BAG ASSEMBLY when it was necessary for me to communicate my new design to others.
7. A sketch of the PROTOTYPE BAG ASSEMBLY was prepared in November, 2000 and a copy of this sketch prepared in November, 2000 is attached hereto as Exhibit A.
8. The November, 2000 sketch attached hereto as Exhibit A is a simplified representation of the PROTOTYPE BAG ASSEMBLY and illustrates the use of a severance line having a tear section and a bag support section. In the sketch, the tear section is formed by perforations in the bag assembly while the bag support section is formed by a continuous material bridge (i.e., a lack of perforations).

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9. Following the reduction of my invention to practice, a patent application (U.S. Patent Application Serial No. 09/859,079) was prepared and filed on May 16, 2001.

10. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

David C. Huseman

Sept 15 2004

David C. Huseman

/ Date